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To: U.S. Patent and Trademark Office  
Fax. No.: (571) 273-8300  
From: John C. Gorecki  
Date: November 2, 2007

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Re:

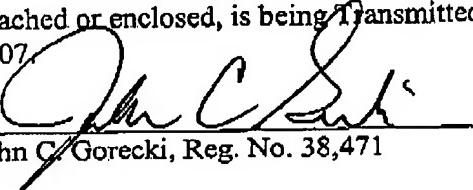
Applicant:	Luc Beaudoin, et al.	Examiner:	A. TAN
Serial No.:	10/025,925	Art Unit:	2173
Filed:	December 26, 2001	Attorney Docket No.:	14538ROUS02U
Title:	OVERLAY VIEW METHOD AND SYSTEM FOR REPRESENTING NETWORK TOPOLOGY.		

The Following Documents are attached

- Transmittal Letter (1 page in duplicate)
- Reply Brief (6 pages)

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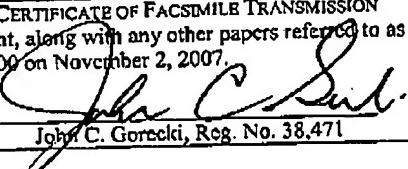
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Luc Beaudoin, et al.  
 Serial No.: 10/025,925  
 Filed: December 26, 2001  
 Title: OVERLAY VIEW METHOD AND SYSTEM FOR REPRESENTING NETWORK TOPOLOGY

Examiner: A. TAN  
 Art Unit: 2173  
 Attorney Docket No.: 14538ROUS02U

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M.S. Appeal Brief - Patents  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TRANSMITTAL LETTER

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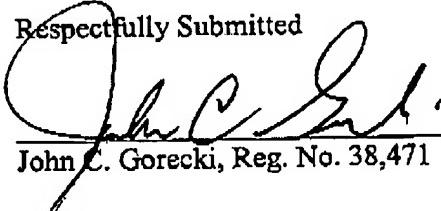
- Reply Brief

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	Number of Claims Remaining After Amendment	Highest Number of Claims previously paid for	Number of Extra Claims Present	Rate	Additional Fee
Total Claims	26	26	0	x \$50.00	\$0
Independent Claims	3	3	0	x \$200.00	\$0
<b>TOTAL ADDITIONAL FEES FOR THIS AMENDMENT</b>					<b>\$0.00</b>

No fees are believed due in connection with the filing of this Reply Brief. If any additional fees are due, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref. NN-14538). A duplicate copy of this sheet is enclosed.

Respectfully Submitted

  
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Dated: November 2, 2007

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Examiner: A. TAN

Serial No.: 10/025,925

Art Unit: 2173

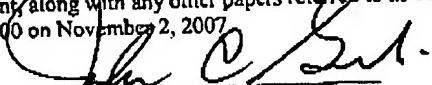
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Attorney Docket No.: 14538ROUS02U

Title: OVERLAY VIEW METHOD AND SYSTEM FOR REPRESENTING  
NETWORK TOPOLOGY

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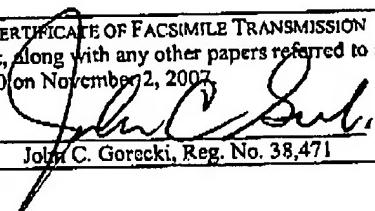
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**REPLY BRIEF**

This reply brief is being filed in response to the Examiner's answer dated September 7, 2007.

As stated in MPEP 2111, during patent examination the pending claims must be given their "broadest reasonable interpretation consistent with the specification." MPEP 8<sup>th</sup> Ed. 2111, p. 2100-46. There are thus two limitations on the manner in which the Examiner may interpret the claims: (1) the interpretation must be "reasonable" and (2) the interpretation must be "consistent with the specification." *Id.*

**The Examiner's position**

The Examiner did not interpret the claim language and has not taken a definitive position as to how the claims of this application should be interpreted. Rather, the Examiner has taken multiple positions as to how Becker may be interpreted to anticipate the language of the claims of this application. The Examiner helpfully summarized these multiple ways of interpreting Becker in the last paragraph of page 19 of the Examiner's Answer. For convenience, this paragraph is reproduced below:

There are multiple ways to interpret the map, nodes, and interconnected lines of Becker in which to read upon claim 21. The map itself may be the background image with either all the nodes and/or all the interconnected lines as the foreground image, the background nodes with/without the map may be the

Reply Brief dated November 2, 2007  
Serial No. 10/025,925

background image with the foreground nodes as the foreground image, the background lines with/without the map may be the background image with the foreground lines and/or all the nodes as the foreground image, and all the interconnected lines with/without the map may be the background image with all the nodes as the foreground image. Consequently, and given the broadest, most reasonable interpretation of their claim language, Becker is still considered to anticipate claim 21.

Argument

The Examiner has not interpreted the claims, but rather has provided interpretations of the reference that the Examiner contends anticipate the claims. To determine if the Examiner has committed legal error, it is therefore necessary to analyze the various interpretations of the reference. If, under each interpretation of Becker, the Examiner was necessarily interpreting the claims in an overly broad way when the claim was found to be anticipated under that theory, then the Examiner has committed legal error in rejecting the claims over Becker.

Stated another way, if every theory of anticipation requires the Examiner to interpret the claims in a way that is not reasonable or in a way that is not consistent with the specification, then the Examiner has committed legal error in rejecting the claims over Becker.

Applicants have reviewed each of the Examiner's interpretations of Becker. The goal of this review was to determine how the Examiner would have had to interpret claim 21 to find that claim 21 was anticipated by Becker under that theory. As set forth below, in each instance the claim interpretation required to support the Examiner's anticipation rejection would have required the claim to be interpreted in an unreasonable way or in a way not consistent with the specification. Accordingly, applicants respectfully submit that the Examiner committed legal error by implicitly interpreting the claims in an unreasonable manner and in a manner not consistent with the specification. Thus, the Examiner's rejection of the claims should be reversed.

The claim language:

Claim 21 is reproduced below for convenience:

21. A method for enabling differential visualization on a display of a plurality of aspects of a telecommunication network, said method comprising the steps of:

Reply Brief dated November 2, 2007  
Serial No. 10/025,925

presenting a background image representation of at least a first of the aspects of the telecommunication network, said first aspect being a physical network topology of the telecommunication network; and

presenting a foreground image representation of at least a second of the aspects of the telecommunication network over the background image representation, said second of the aspects being a management view of the telecommunication network and being user-selectable.

As indicated above, rather than interpret the claim language, the Examiner has provided four possible interpretations of Becker (Examiner's Answer page 19), and has taken the position that claim 21 is anticipated under each of these theories. Although this process is backwards, applicants will address each of the Examiner's interpretations of Becker to show that the claims, when given their broadest reasonable interpretation consistent with the specification, are not anticipated by any of the Examiner's interpretations of Becker.

Examiner's position #1: The map itself may be the background image with either all the nodes and/or all the interconnected lines as the foreground image,

Claim 21 states that the background image is a representation of the physical network topology of the telecommunications network. Applicants clearly distinguish the physical network topology of the telecommunications network from a map of the United States in the specification. (See Specification at page 11, lines 24-26, and page 17, lines 19-23). Thus, it is not reasonable to interpret the term "background image representation of a physical network topology" as a geographic map of the United States. Accordingly, if the Examiner is interpreting claim 21 in a manner such that the term "background image representation of the physical network" is considered to be anticipated by the fact that Becker shows a geographic map of the United States, then this interpretation was not "reasonable" and not "consistent with the specification." Accordingly, rejecting the claims under this theory of Becker would constitute legal error by the Examiner since the Examiner would necessarily need to interpret the claims more broadly than reasonable and in a manner that is inconsistent with the specification.

Examiner's position #2: the background nodes with/without the map may be the background image with the foreground nodes as the foreground image,

Reply Brief dated November 2, 2007  
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Claim 21 recites that the background image is a first aspect of the telecommunication network and the foreground image is a second aspect of the telecommunication network. Thus, claim 21 requires that two aspects of the telecommunication network be shown. If the Examiner is interpreting claim 21 in a manner such that the term "background image" and the term "foreground image" are considered to both be anticipated by different collections of nodes (applicants are not conceding that Becker shows two types of nodes), then the Examiner has committed legal error by interpreting the claims more broadly than is reasonable. Specifically, under this interpretation the Examiner will have pointed to one feature of Becker and taken the position that, by showing network nodes, Becker teaches displaying two aspects of the network. Accordingly, the Examiner's interpretation of the claims under this theory would be overly broad and unreasonable by ignoring the first aspect/second aspect feature of Claim 21.

Additionally, according to claim 21, one of the aspects to be shown must be the "physical network topology of the telecommunication network" and another of the aspects to be shown must be "a management view of the telecommunication network" and be "user-selectable". In essence, the Examiner has taken the position that some of the nodes shown on the map in Becker represent a physical network topology of the network and that other of the nodes shown on the map in Becker represent the management view of the network. Finding that both terms were shown in Becker thus required the Examiner to equate the two terms. Indeed, it is unclear how some of the nodes may be considered to show the physical network topology while other nodes are considered to show the management view. All of the nodes in Becker show the location of the node. Thus the nodes of Becker show one aspect of the network. Finding that this one aspect of the network anticipates both the physical network topology and the management view of the network thus necessarily equates these two terms. Accordingly, this interpretation of the claims would be unreasonable and inconsistent with the specification.

Referring to Page 22, Becker discusses the manner in which nodes are displayed. As recited in that portion of Becker, the nodes may be shown using circles or rectangles. The size of the circles/rectangles may be adjusted and the color may be adjusted. Becker does not state that some of the nodes represent a physical topology and that other nodes represent a management view of the network however. Thus, as a factual matter, Becker does not support the Examiner's position in connection with this rejection.

Reply Brief dated November 2, 2007  
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Examiner's position #3: the background lines with/without the map may be the background image with the foreground lines and/or all the nodes as the foreground image.

As noted above in connection with the Examiner's position #1, the geographic map of the United States may not be considered a network topology. Thus, if this aspects of Becker is considered to anticipate claim 21, the Examiner must have interpreted the first limitation of claim 21, i.e. the "background image representation of ... a physical network topology of the telecommunication network" as being anticipated by the background lines of Becker. This interpretation is not "reasonable" and not "consistent with the specification".

The term "topology" is a well known networking term that refers to the actual layout of the network. The term "physical network topology" thus refers to the actual physical layout of the network. (See Specification at page 1, lines 12-13, "A global network generally consists of nodes and links, which describe the network topology..."). Moreover, the common use of the term "topology" conveys both the position of the nodes and the interconnectivity of the nodes – i.e. how the nodes are connected together. Thus the links are an integral part of the "topology" of the network.

As discussed at some length in the Appeal Brief, the lines in Fig. 7 of Becker show the percentage idle capacity between Chicago and all other nodes on the network. (See, e.g. Appeal Brief at P. 7, second full paragraph). The lines in Becker thus are graphical constructs that are generated by Becker's computer program to illustrate the flow of data between two nodes in the network. The lines of Becker are unrelated to the actual physical layout of the network and do not convey how the nodes are connected together. Accordingly, interpreting the claim term "physical network topology" so broadly that it was considered to be anticipated by the lines representing the amount of traffic flowing into a particular city was legal error, in that it was not "reasonable" nor "consistent with the specification."

Examiner's position #4: all the interconnected lines with/without the map may be the background image with all the nodes as the foreground image.

In this interpretation the Examiner has once again interpreted the map and the lines as being the background image. To consider the claims to be anticipated under this theory of Becker, the Examiner would need to interpret the claim term "physical network topology" to be

Reply Brief dated November 2, 2007  
Serial No. 10/025,925

anticipated by the map, which is not reasonable as discussed above in connection with the Examiner's position #1. Alternatively, the Examiner would need to interpret the claim term "physical network topology" to be anticipated by the lines which are merely a convenient graphical way of illustrating how much data is flowing into a particular network node. This interpretation would not be reasonable as set forth above in connection with the Examiner's position #3. Accordingly, once again the Examiner will have committed legal error by interpreting the claims in a manner that was not "reasonable" nor "consistent with the specification."

Conclusion

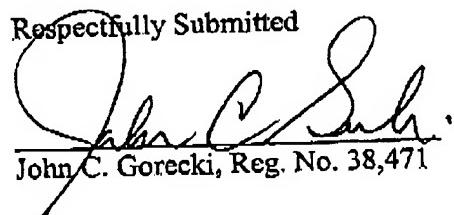
Applicants respectfully submit that the Examiner has committed legal error in rejecting the claims of this application by not interpreting the claims. Additionally, reviewing the several theories of the rejections promulgated by the Examiner reveals that, under any possible interpretation, the Examiner is not interpreting the language of claim 21 in a manner that is "reasonable" and "consistent with the specification." Independent claims 35 and 44 contain limitations similar to those discussed above with respect to claim 21 and are likewise patentable. Accordingly, applicants respectfully submit that the Examiner has committed legal error in rejecting claims 21-42, 44, and 46 under 35 U.S.C. 102 over Becker. Accordingly, applicants respectfully request that this rejection be reversed. Claims 43 and 45 depend from one of these independent claims and, accordingly, are allowable for substantially the same reasons.

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